Role of Himachal Pradesh State Commission for Women: A Study with special reference to Human Rights Protection

A

SYNOPSIS

SUBMITTED TO HIMACHAL PRADESH UNIVERSITY, SHIMLA IN PARTIAL FULILLMENT OF THE REQUIREMENTS FOR THE DEGREE OF

DOCTOR OF PHILOSOPHY
IN
PUBLIC ADMINISTRATION

Supervised by:

Dr. Mamta Mokta
Professor
Department of Public Administration

Submitted by:

Manjeet Kumar

DEPARTMENT OF PUBLIC ADMINISTRATION
HIMACHAL PRADESH UNIVERSITY
SUMMER HILL SHIMLA-171005

INTRODUCTION

The Human Rights, a subject of animated discussion at regional and global level today are often called Fundamental Rights or Natural Rights or The Rights of Man. It consists of the minimum entitlement that governments must protect and secure. They are fundamental in the sense that they are not denied in any circumstances. With the universal declaration of Human Rights on 10 December 1948 all the states are supposed to protect these priorities pertaining to the rights and liberties of its citizens or religion. The preamble of U.N. Charter states, 'The People of United Nations express their determination to re-affirm faith in Fundamental Human Rights, in the dignity and worth of human beings, in the equal rights of Men and women and the nations large or small.' One of the four purposes of the United Nations is the promotion and encouragement of Human Rights and Fundamental Freedoms without any discrimination.[1]

Human rights are those rights which can inherent in our nature and without which we cannot live as human beings. Human allow us to fully develop and use our human qualities, our intelligence, our talents and our conscience and to satisfy out spiritual and other needs. They are based on man kind's increasing demands for life in which inherent dignity and worth of each man will receive respect and protection. Human rights are called sometimes fundamental rights or basic right or natural rights.[2]

This is generally accepted that human right may regarded as those fundamental and inalienable rights which are essential for life as human being.[3]

The expression, 'Human Right' is comparatively of recent origin. Human Rights are essentially a product of democracy. All Human Rights desire from the dignity and worth inherent in the human person and that the human person is the central subject of Human Rights and fundamental Freedoms.[4]

There are two gleams of hope. The concept of human rights the new gospel has worked its way through the subsoil of human consciousness with speed and strength and become one of the great driving forces of our time.[5] The concept of Human Rights as it is understood today has evolved over centuries. Though the expression human right seems

---

1 M.P. Dube and Neeta Bora, "Perspectives on Human Rights", Anamika Publishers Distributors (P) LTD, New Delhi, 2000, p.44-45.

2 M. Cranston, "What are human rights?ò National Academy, Delhi, 1973, p. 7.

3 S.K. Kapoor, "International law and Human Rights", Central Law Publication, Allahabad, 2002, p. 764.

4 Paras Diwan and Piyush Diwan, "Human Rights and the Law", Deep and Deep Publication, New Delhi, 1999, pp. 1-3.

5 Palkhiwala, "A Nani, we The Nation, The Lost Decades", New Delhi UBSPP, 1994, p. 23.

to have modern face, human rights are as old as human civilization. Human rights have existed.[6] In however on ascent a form ever since man as a gregarious animal has lined in community's family clam tribe village town or nation and new in an independent world community.

DEFINITION

Human Rights are those rights, which are inherent in our nature and without which we cannot live as human beings. Human Rights and fundamental freedoms allow as to fully develop and use out human qualities, our intelligence, out talents and our conscience and to satisfy our spiritual and other needs.[7]

Human right may be both **Simple and Complex.** "**Simple** in the sense that one can argue that human rights implies a universal ethic which claims that certain rights ought is to be belived and observed every where by every one. They are possessed by human beings simply as being human parse".

"Complex, because when an attempt is made to list those rights, geographical diversities, cultural variances and differences in social value make the attempt a near impossibility, to agree upon a universally accepted list of right"[8]

According to Cranston, "Human Right by definition is a universal moral right, something which all men, every where, at all times ought to have,[9] Something of which no one may be deprived without a grave affront to justice, something which is belonging to every human being simply because he is human".[10]

According to Subash C. Kashyap, "The fundamental norms governing the concept of human rights are that of the respect for human personality and its absolute worth. Human rights man be said to be those fundamental right to which every man or women inhabiting any part of the world should be deemed entitled merely be virtue of having been born a human being"[11]

---

6 Gokolesh Sharma, "Human Right and Legal Remedies", Central Law Publication, New Delhi, 2000, p. 32.

7 Elisabeth Reichert (Edited), "Challenges In Human Rights:A social work Perspective", Rawat Publications, Jaipur, 2008, p.6.

8 Sanjay Joshi, "The Right to Equality Life and Liberty under the constitution of India," in Perspective on Human Rights, Manak Publications Pvt. Ltd. New Delhi, 1999, p. 82.

9 Richard, J. Niebanck, "Theology, Politics and Human Right", in Human Rights. Rhetoric or Reality, eds, G.W. Forell and W.H. Lazareth, Fortress Press, Philadolphia, 1978, p. 31.

10 A.S. Kohli, "The concept of Human Rights", Human Right and Social Work: Issues, Challenge and Response, Kanishka, Publishers, New Delhi, 2004, p. 8.

11 Subash, C. Kashyap, "Human Right and Parliament", Metropolitan Publication, New Delhi, 1978, p. 2.

Human Rights, are therefore, based on elementary human needs as imperatives, some of these needs are elemental for sheer physical survival and health: others are elemental for psychic survival and health".[12]

In India, the protection of Human Right Act 1993, defined Human rights as the rights relating to liberty equality of the individual guaranteed y Indian Constitution as embodied in the fundamental Rights. Thus it can be said that "Human Rights", denote all those rights which are inherent in our nature, and without which we cannot live as human beings.

SPECIFIC CHARACTERISTICS OF HUMAN RIGHTS

When human rights are defined as those natural rights that stem form human dignity, it becomes apparent that they have some peculiar characteristics. The following are some of these characteristics.

1. Internationalism

The guarantee of respect for human dignity and control with and the right to pursuit of happiness is stated in the United Nations charter, the universal declaration of human rights, the Vienna declaration of Human Rights and others, following a trend of internationalization of human rights.

2. Universality

The dignity, worth and right to happiness of all must be recognized without question and without exception. Nobody may be discriminated against because of his race, color, sex, language, religion, political opinion, nation, social position, property, origin or other circumstance, and everybody is endowed with all rights and freedoms.

3. Inheritance

Because human rights are those rights guaranteeing human dignity and because they were given originally to the people, human rights cannot be said to have been granted in accordance with any state or any law but are instead recognized as natural rights and inherent.

4. Absolute

As human rights are inalienable rights recognized universally, they are absolute rights. The essence of human personality, human dignity and worth, confirms the inviolability of human rights and carries the responsibility of guaranteeing such inviolability.

---

[12] D.D,. Vasu, "Human Rights in constitutional Law", Prentice Hall Publication, New Delhi, 1994. p. 5.

5. Inviolability

As they use inherent and internationally enforced, these rights can not be violated. In addition to this, so for as guarantee of human rights is the duty of the state, the state may not alienate these rights the state may not limit or violate them.

6. Permanence

The dignity and worth of human beings does not change over time by the situation. Human rights must be guaranteed regardless of time and place, for they possess the absoluteness of being guaranteed.

7. Individuality

Human rights have their basis in the people dignity, worth and happiness. Because all people are independent individuals, they each possess a right to be independent which cannot be taken away by any other thing.

8. Self-Determination

All people have the right to self-determination on the basis of inherent human dignity.

9. Self-Evidence

That all people are born equal and with certain fixed, inherent, inalienable rights, including the right to life, freedom and happiness, is accepted as a self-evident truth.

10. A Fundamental

Human rights include the principle of obtaining a guarantee of human dignity, worth and happiness. [13]

UNIVERSAL DECLARATION OF HUMAN RIGHTS

The "peace-loving" nations of the world, while establishing the United Nations, had realized the need for creating a just order and conditions of stability and well-being of peoples, by providing them fundamental human rights as a prerequisite for international peace and Friendly relations among nations. That is why, wince its inception in 1945, the United Nations has been concerned with the universal respect for, and observance of human rights. Fifty years ago, on 10 December 1948, the UN General Assembly adopted

[13] A.S. Kohli, "Human Right and Social Work: Issues, Challenges and Response", Knishka Publishers, Distributors, New Delhi, 2004, pp. 10-13.

the universal Declaration of Human Rights (UDHR). It has championed almost all the basic rights of the individual. During the last 50 years, it has adopted 88 human rights instruments. Moreover, there has been no single year when human rights, have not been on the agenda of most UN bodies. It has become a staple of UN activity.[14]

The UN charter was the first instrument, which recognized 'the equal rights of man and women', and the member states adopting the aims and principle the of the UN were supposed to bring end to any discrimination on the ground of sex. Reforms at all levels were implemented to maintain the equality of both men and women. In this content, women's rights are not therefore rights which are specific, but are rather universally recognized rights held by all people by virtue of their common humanity and regardless of their sex.[15] The human rights of women and of the girl child are an inalienable part of universal human rights. The full and equal participation of women in political, civil, economic, social and cultural life, at the national regional and international levels and the eradication of forms of discrimination on grounds of sex are priority objectives of the international community (The Vienna Declaration and the programme of Action)[16]

UNITED NATIONS AND HUMAN RIGHTS OF WOMEN

Though constituting half the populations of the world and often euphemistically referred to as the 'Better half of men' women, in fact had the worst deal at the hands of the society. They were physically and sexually abused and exploited, denied a say in the governance denied equal wages and were always treated as an appendage of man. After the Second World War three UN bodies resumed working for human rights of women, i.e. The General Assembly the Economic and Social Council (ECOSOC) and the Secretariat. The UN efforts to promote the principle of equal rights of men and women were initially directed towards securing equality of men and women in law.[17]

UN CONVENTIONS

There are over twenty-three main UN conventions relating to human rights in general out of which five are specifically related to women. That is:

1. Convention on political rights of women, 1952.
2. Convention on the nationality of married women, 1957.

---

14 P. Vijapur Abdulrahim and Suresh Kumar, "Perspectives on Human Rights", Manak Publication Pvt. Ltd, Delhi, 1999, p. 3.

15 Satya Prakash Das, "Human Rights: A Gender Perspective", The Indian Journal of Political Science, Vol., LXVI, No. 4, October-December 2005, pp. 757-758.

16 Saty Prakash Das, op. cit., p. 755.

17 S. Subramanian, "Human Right, International Challenges", Means Publication, New Delhi, 1997, pp. 172-173.

3. Convention on the consent of marriage, minimum age of marriage and registration of marriages, 1962.
4. Convention on the elimination of all forms of discrimination against women, 1979.
5. Convention on the recovery abroad of maintenance.

In 1960, the general assembly adopted the convention against discrimination in education which prohibits "any distinction, exclusion, limitation or preference on account of sex and affecting there by the equality of treatment in education,' (Article (1).[18]

A compassionate catalogue where the United Nations shows concern for Human Rights may well begin with the rights to self-determination, at least for sub national identify often repudiated by colonial povers and apartheid cultures.

The list of Human Rights which every human being has a right to enjoy includes:

- The right to life;
- Abolition of slavery and suppression of the slave trade;
- Abolition of forced or compulsory labour;
- Freedom from torture;
- Freedom from arbitrary arrest, detention or exile;
- Equality in the administration of justice;
- The right of everyone to leave any country, including his own, and to return to his country;
- The right to a nationality;
- Freedom of thought, conscience and religion;
- Freedom of opinion and expression;
- Freedom of association;
- The right of everyone to take part in the government of his country;
- The realization of economic, social and cultural rights;
- The right to work;
- The right to education;
- The right to health;
- Freedom from hunger;

[18] Amita Agarwal, "Human Rights of Women in India and International Standards", in Perspectives on Human Rights, Anamika Publishers, New Delhi, 2000, p. 98.

- ❖ The right to participate in cultural life;
- ❖ The right to a clean environment;
- ❖ The right to adequate shelter and services.[19]

HUMAN RIGHTS COVENANTS

The international covenant on civil and political rights and the international covenant on economic, social and cultural rights reinforce the equality concept and forbid discrimination on account of sex (Art. 3 of the covenants).

Convention on the elimination of all forms of discrimination against women (1979) is the most comprehensive instrument on the human rights of the women and contains more concrete provisions aimed at the real implementation of the rights already recognized. India ratified the convention on 9 July, 1993. The convention has the twin objectives of prohibiting discrimination and ensuring equality.

In 1995, the fourth world conference on women was held in Beijing which had special significance for the United Nations in general and for the women in particular. Similarly, in 1995 world summit on social development was held in Copenhagen which discussed, among other things, ways and means to achieve equality and equality between women and men. The action plan adopted at the end of the conference among others, aims at empowering the women.[20]

EVOLUTION OF HUMAN RIGHTS IN INDIA

The concept of Human right as it is understood today has evolved over the centuries. Thought the expression "Human Rights" seems to have modern face, human rights are as old as human civilization. Human rights have existed, in however, nascent a form, ever since man, as a gregarious animal, has lived in communities, families, clam, tribe, village, town or nation and now in an independent world community.[21]

Looking at the concept of human rights from a historical perspective, at would be seen that it is neither entirely western in origin nor so modern. It is the crystallization of values that are the common heritage of mankind.[22]

---

19 M.P. Dube and Neeta Bora, Op.cit., pp. 45-46.

20 Ibid, p. 98-99.

21 R.P. Dhokalia, "Human Rights as objects of though and Expression of Global Conscience" Banaras Law, 1992, Vol. 26, Nos. 1 and 2, p. 5.

22 Sunil Deshta and Lalit Dadwal, "Genesis of Human Rights in India", in India and Human Rights Reflections, concept Publishing Company, New Delhi, 2005, p. 36.

HUMAN RIGHT IN ANCIENT INDIA

The Concept of human rights is not alien to the Indian political thinkers and philosophers. They have expressed concern to secure human rights and fundamental freedoms for all human brings everywhere since the very early times of Vedic age.

In ancient India, law, which was structured on the philosophy of dharma, did not have much scope for religious discrimination. We learn form the Mahabharata that dharma was ordained for the advancement of all creatures as well as for restraining creatures from injuring one another[23] the modern utopia of a global village is more or less akin to this concept. It is quite interesting to pinpoint here that the immoral epics, Vedas, Ramayana and Mahabharata demonstrate the deep commitment and faith of our sages towards justice. All the Four, Vedas Insist on equality and respect for human dignity.

In the whole eighteen Puranas, Vyasa has said two things doing well to another are right, causing injury to another is wrong.

HUMAN RIGHTS IN MEDIEVAL INDIA

During Muslim era in India, especially in the premughal period, there were series of cultural, social and political stressed and strain on the style and way of life of Hindus. Muslim rule in India was not founded on the basic principles of human dignity equality and justice, and was essentially autocratic, theocratic and irresponsible, devoid of the idea of rule of law morality, justice, tolerance and social harmony.

Some of the Mogul rules, especially Akbar the great brought about a basic change in the style of Mogul Administration.

During the reign of Aurangzeb, the concept justice was made less intricate and more expeditious than in the Former regions.[24]

HUMAN RIGHTS IN MODERN INDIA

The transition from the medieval to modern period has resulted in a prodigious change in the Indian History. The British Indian rulers discriminated against Indians in matters of their political and civil liberties and rights.

Raja Ram Mohan Roy (1772-1823), one of the greatest rationalist and creative thinkers of his age led India in the earliest period for her transformation from feudalism to modernity. His rational mind made him a poignant critique of those religions rituals of

---

[23] Ibid.
[24] Ibid. p. 30.

Hinduism like, sati and child marriage, which patronized and promoted societal violence against women in he name of religion.

The philosophy of human rights in modern sense, concerted efforts were made by the Indian National Congress, which demanded basic human rights in the constitution of India Bill, 1895.

Congress as early as in 1918 in Bombay session demanded declaration of rights of people of India and again demand of these basic rights were reiterated in Nehru Committee Report in 1928. The congress in the resolutions of 1917 and 1919 asserted demand of civil rights and equal status with the English men. In 1922 congress aimed at achieving Swaraj to shape dignity of the country. The sapru report (1945) incorporating the proposals of fundamental rights did not find favor.

The British cabinet mission in 1946 recognized the need for a written guarantee of Fundamental right in the constitution of India. India got independence on 15th August, 1947, the constituent Assembly accomplished the Herculean task of drafting the constitution, which was enacted and adopted by the people of India on 26th January, 1950.[25]

WOMEN AND HUMAN RIGHTS

"It is a boy or is it a girl?" Posed at the First moment of life, this question embeds, expresses and enforces the common normative disposition towards the "Path of Life" It signals a discursive order in the name and terms of which gender establishes it self at the moment of birth and continues to exert itself, definitive of nearly every human experience. Life is gendered. Gender at birth is at once the rebirth the generation, of gender.[26]

ñIt is women who creates the world, she who preserves and destroys, with a work of her wonder eyes, she holds the universe in her womb" from these few lines we can say that women is the mother of the race and future of all generation. She is the nucleus around which the universe revolves.[27]

Women in India constitute 48.4 percent of the total population so, whether engaged in gainful employment or working mainly as house-wives they are an important constituent

---

25 Philomena Essed, David The Gold Berg and Audrey Kobayashi, "A companion to Gender Studies," Black Well Publishing, 2005, p. 1.

26 Philomena Essed, Op.cit., p.1.

27 Achala Gakkhar, "Information Empowermenet Among Women", in Rameshwari Pandya (eds), Women in India: Issue, Perspective and solutions, New Century Publication, New Delhi, 2007, p. 154.

of the human resources, so closely linked to national development.[28] So empowerment of women becomes essential constituent for progress of any country.

Emancipation of women is an essential prerequisite of women is an essential prerequisite for economic development and social progress of the nation.[29]

The present era needs to reacts sharply to empower women at any cost.[30]

The (UDHR) Universal Declaration of Human Rights on 10 December 1948 championed almost all the basic rights of an individual during the last 57 years it has adopted about 100 human rights instruments.[31]

ORIGIN AND DEVELOPMENT OF WOMEN RIGHTS

Human rights discourse had traditionally been male dominated in the sense that, in what is essentially a man's world, men have struggled to assert their dignity and common humanity against an overbearing state apparatus, Attempts to define a body of civil and political Rights wee made from the eighteenth century onwards in societies that were organized by men and predominantly for men. Plato was the first Greek Political Philosopher who tried to emancipate women from their household duties of child bearing and rearing, so that they can contribute equally in the state affairs, Therefore, he gave the theory of communism of wives for the guardian class. Since from ancient times, so many philosophers have been talked about the rights of women and natural rights world wide. Likewise Ancient Greek Philosophers Followed the universalism of law by equality in various aspects of life, "equal respect for all citizens (isotima) equality before law (isonomia), equality in Political Power (isocratic) and suffrage (isopsephia), and equality of civil rights (isopoliteia)".[32]

Women played an insignificant role in the determination of political, legal and institutional structures both in the USA and in Europe where much of the human rights debate was perused. The original contributor to women to read and thus to explore the world outside the home and immediate community. Lone voices, such as that of Mary

---

28 Rameshwari Pandya and Goyal, "Training Women for Income Generation and Self Development", New Century Publication, New Delhi,2007, p. 3.

29 K.P. Vanetha, "The characteristic of Farm women Particpating in Development Programmers", Rural India, Gwalior, April, 2006, p. 70.

30 K.B. Sarojni, "Women Empowerment self Help Group", The Associated Publishers Ambala Cantt, 2006, p. 12.

31 T.R. Sharma, "Women and Human rights," in Human Rights; Concept, Issues, Emerging Problems, Regal Publications, New Delhi, 2007, p. 91.

32 Zeura F. Kabaskal Arat, Human Rights World Wide, Contemporary World Issues, ABC-CILO, England, 2006, p. 4.

Wollstonecraft, did attempt to vindicate the right of women and a certain philosophical tradition did develop in which pleas were made for the emancipation of women to allow them to escape their traditional domestic role and to enter more fully in into society[33]

HUMAN RIGHTS OF WOMEN IN INDIA

India has a well established tradition or respect for human rights and especially of women which finds reference in Dharamshastras in saying like:

"Where women are respected, Gods Dwell There" and

"In which Koll women suffer and sadden that Koll vanishes sooner."

Human rights find a place in the constitution of India as fundamental rights and directive principles of state policy. Equality of sexes and non-discrimination on the basis of sex has been assured in Articles in 15 and 16. Article 39(d) assures women equal pay for work along with men. Good and congenial working conditions for women have been assured under article 39(e) and article 42 spells out social security for women.

VIOLATION OF HUMAN RIGHTS OF WOMEN

In India, where the Almighty is worshipped in feminine from as Shakti by many, crime against women, in spite of all the constitutional safeguards, is becoming common place and is on the increase. Human rights are violated not only by unjust acts but also by unjust national and international structures. Violations of human rights are not simple individual acts of violence. Violence against women is viewed as "any action, policy or attitude which in any way is a violation of our personhood as we perceive it, or which dehumanizes us." On that basic we view violence against women carried out by any individual group, institution or society as a human rights violation.[34]

National Commission for Women

NCW was constituted on 31st January, 1992 in pursuance of the National Commission for women Act, 1990. It looks in to complaints and takes notice of matters relating to:

- Deprivation of women's rights;
- Non-implementation of laws enacted to provide protection to women and also to achieve the objectives of equality and development;

---

[33] Noreen Burrows, "International Law and Human Rights: The case of women's Rights", in Human Rights Fro Phetric to Reality (ed.) Tom Campbell, David Goldberg Sheila McLean and Tom Mullen, Basil Blackwell, UK, 1986. p. 81.

[34] T.R. Sharma, op. cit., p. 101.

- ❖ Non-compliance of policy decision, guidelines or instructions aimed at mitigating hardships and ensuring welfare and providing relief women.

ORGANISATIONAL STRUCTURE

The National Commission for Women consists of a full time Chairperson, Five members and a Member Secretary. They are all appointed by the Government of India (Department of Women and Child Development) for a period of three years from the date of assumption of office.

The Standing Committee on Empowerment of women interacted with there former Chairpersons and members of National Commission for women on 22nd February 2001 and the following suggestions have emerged there from:

- ❖ There should not be any ad-hocism in the appointment of the Chairperson and members.
- ❖ There should not be any post of Member-Secretary. There should be only a Secretary for the administrative set up for the Commission and Secretary should facilitate the functioning of the Commission in Administrative matters only.
- ❖ The Commission should have the powers to appoint experts.
- ❖ The Commission must be consulted by the various Departments whenever they frame policies pertaining to women and the girl child.
- ❖ Commission ought to be totally accessible to the public.
- ❖ National and State Commissions should identify the areas of work and there should not be any overlapping of their activities[35].

National Commission for Women (NCW) takes up the issues arising out of such matters with appropriate authorities. It calls for special studies or investigation in to the specific problems or situations arising out of discrimination and atrocities so as to recommend strategies for their removal. It undertakes promotional and educational research so as to suggest ways of ensuring due representation of women in all spheres and identity factors responsible for implementing their advancement, such as lack of housing and basic services, in adequate support services and technologies for reducing drudgery and occupational health hazards and for increasing their productivity. It participates in and advises.

---

[35] Committee on Empowerment of women, 13th Lok Sabha, Lok Sabha secretariat, New Delhi, 2001-02.

SPECIAL STUDIES OF NATIONAL COMMISSION FOR WOMEN FOCUSED ON:

- Women of weaker sections.
- Widows of vrindavan
- Project Mangalam.
- Issues concerning Prostitution.
- Study of Mentally disabled women.
- Agenda of Political Empowerment.

FOCUS AREAS OF COMMISSION WERE:

- Launched Dahej Mukti Abhiyan.
- Prison reforms for women under trials.
- Gender Sensitization workshops for Police, Judiciary, and Doctors through training modules.
- To study problems relating to women and disabilities.[36]

FUNCTIONS OF THE COMMISSION

The Commission shall perform following functions:

- Investigate and examine all matters relating to the legal safeguards provided for women under the constitution and other laws;
- Present to the Central Government, annually and at such other times as the Commission may deem fit reports upon the working of those safeguards;
- Make in such reports and recommendations for the effective implementation of those safeguards for improving the conditions of women by the Union or any state;
- Take up the cases of violation of the provisions of the constitution and of other laws relating to women with the appropriate authorities;
- Participate and advise on the planning process of socio-economic development of women;
- Evaluate the progress of the development of women under the Union and any state;
- Fund litigation involving issues affecting a large body of women.

---

[36] Mamta Kaushal, "Women Development-strategies, challenges and prospects", in Public Administration in the New Millennium, Published by Anamika Publishers & Distributors (P) Ltd., New Delhi, p. 302.

- Make periodical reports to the Government on any matter pertaining to women and in particular various difficulties under which women toil; and
- Any other matter which may be referred to it by Central Government.[37]

HIMACHAL PRADESH STATE WOMEN COMMISSION

Himachal Pradesh State Women Commission has been set up in 1997 under Himachal Pradesh State Commission for Women Act 1996, Article 3(1), and Government Notification No. W.L.F. (2)-2/88-II, DATED 17.12.1997. After May, 1998 the commission was postponed for sometime by State Government and was reconstituted on 08-03-1999, Government Notification No. W.L.F. (2)-2/88-II.[38]

COMPOSITIN OF COMMISSION

The composition of commission can be studied taking into consideration the following sub points**:**

Section 3 of the Act envisages that the commission shall consist of**:**

- a chairperson who has been an eminent women committed to the cause of women;
- not more than four non-official members preferably women, to be nominated by the state government form amongst the persons of ability, integrity and standing who have served the cause of women or had sufficient knowledge and experience in law or legislation, administration of matters concerning the advancement of women, or leadership of any trade union or voluntary organization for women for protection, upliftment and promotion of common interests of women. Act provided that at least one member each shall be from amongst to the scheduled castes and the scheduled tribes, respectively;
- The Commissioner-cum-Secretary (Welfare and the Director General of Police shall be the ex-officio Members of the commission.
- On member-secretary to be appointed by the state government, shall be any officer, who is or has been a member of the civil services of the state or of an All India Service or holds a civil post under the state.

Appointing Authority:

In accordance with section 3 of the Act, the Chairperson and Members of Commission are appointed and nominated by State Government.[39]

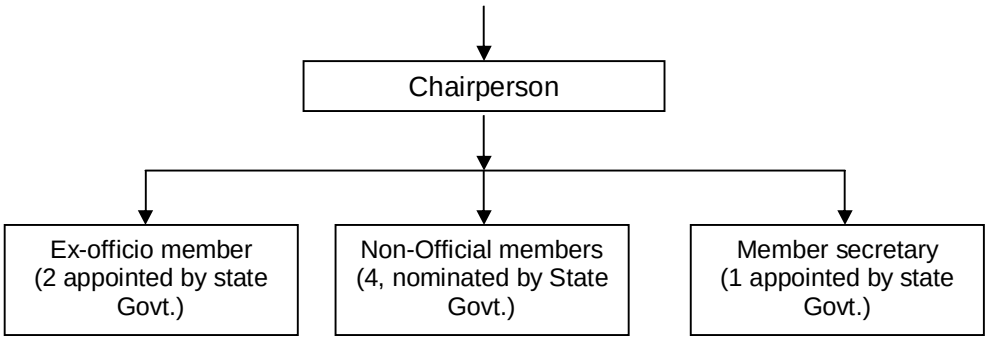
---

37 New, Annual Report, 2000-01, pp. 5-6.

38 Himachal Pradesh State Women Commission, Annual Administrative Report, Year 2010-11.

39 The Himachal Pradesh State Commission for women Act, 1996, Himachal Pradesh Gazette, Published by Himachal Pradesh, Shimla-5.

Himachal Pradesh State Commission for Women.


Chairperson
Ex-officio member (2 appointed by state Govt.)
Non-Official members (4, nominated by State Govt.)
Member secretary (1 appointed by state Govt.)

MEMBERS OF STATE WOMEN COMMISSION

Sr. No.	Name Designation	Office	Phone No.	Email
1.	Dhaneshwari Thakur(Chariperson)	H.P. State Women commission for Women Himrus Bhawan, Himland Shimla-171001	09418380777	No
2.	Mrs. Pushpa Thakur (Member)	do	09418636326	No
3.	Mrs. Devshanki (Member)	do	09816882491	No
4.	Mrs. Sushma Watts (Member Secretary)	do	09418384215	No

Term:

The term of office of the Chairperson and members will be of three years or may be specified the State Government.

Removal:

The Chairperson or any other member of the commission is at any time by writing to the State Government resign from the Commission. State Government can also remove a person from the office if that person**:**

- ❖ becomes an in discharge insolvent;
- ❖ is convicted and sentenced imprisonment;
- ❖ refuses to act or becomes incapable of acting;
- ❖ is absent from three important meetings of commission;

Head Quarter of the Commission

The Head quarter of the Commission is in Himrus Bhawan, Circular Road, Himland Shimla-1.

THE AIM OF HIMACHAL PRADESH STATE COMMISSION FOR WOMEN:

- To further the fundamental Rights guaranteed by the constitution of India under articles 14,15 and 16 with respect to women**:**
- To give effect to the Directive Principles of State Policy, in particular those enshrined in articles 38,39,39A and 42 of the constitution of India;
- To improve the status and dignity of women in society;
- To prevent the harassment of women;
- To restrain the evil of dowry system;
- To effectively monitor and implement policies affecting women;
- To investigate in to and take or suggest remedial measures against practice derogatory to women;
- To effectively monitor and implement laws affecting women;
- To advise the Government on all matters related to the improvement and upliftment of the status and dignity of women in society.

FUNCTIONS AND POWER OF THE COMMISSION:

There is wide range of functions carried out by Commission. These functions are:

- Investigating examine and reporting on the working of safeguards provided for women under constitution of India and other laws as well as making recommendations for effective implementation of these safeguards for improving the conditions of women and suggesting remedial legislative measures to meet any in Legislations.
- Taking up cases of violation of the provisions of the constitutions and other laws relating to women.
- Entertaining complaints relating to matter such as deprivation of women's rights, non-implementation of laws for protection of women.
- Investigating in to specific problems or situations arising out of discrimination and atrocities against women.

- ❖ Suggesting ways of ensuring due representation of women in all spheres and identifying factors that are impending their advancement.
- ❖ Participating in the planning process of socio-economic development of women.
- ❖ Evaluating progress of women in the state.
- ❖ Inspecting detention and custodial centers, remand homes and taking up matters for remedial action for women
- ❖ Funding litigation involving issues that affect a large body of women's organizations or that involve interpretation of laws affecting women.
- ❖ Framing schemes for more effective implementation of laws more particularly relating to maintenance of deserted women, payment of wages, equal pay for equal work, prevention of domestic violence, sexual harassment at work, illegal traffic in women and improvement of health, housing and safety.
- ❖ Co-operating with and assisting and seek co-operation and assistance of the National Commission for women and other commissions for women setup by different State Government.
- ❖ Rendering guidance and advice to needy women in institutional proceedings in any judicial forum or tribunal for violation of constitutional provisions or any other law relating to women.
- ❖ Reviewing from time to time the existing provisions of the constitution and other laws affecting women and recommend amendments.
- ❖ Calling for special studies or investigations into specific problems of discrimination and atrocities against women and recommend strategies for their removal.
- ❖ Undertaking promotional and educational research such as lack of access to household ad basic services, inadequate support services and technologies for reducing and occupational health hazards.[40]

Himachal Pradesh state women commission has started commission helpline number where women can directly register complaints against their harassment .There help lines are as following:[41]

---

[40] Ibid.

[41] Himachal Pradesh State Women Commission, Annual Administrative Report, Year 2010-11, p .09.

Commission Helpline

1.	Himotkarsh public welfare Committee Rotary Club Una, District Una	Helpline No. 01975-226070
2.	Superintendent of Police Women Cell, Mandi, Distt. Mandi.	Helpline No. 01905-225547
3.	Superintendent of Police Women Cell, Dharamshala, Distt. Kangra.	Helpline No. 01892-228072
4.	Superintendent of Police Women Cell, Shimla, Distt. Shimla	Helpline No. 0177-2652727
5.	Himachal Pradesh State Women Commission, Himland, Shimla.	Helpline No.0177-2627171

REVIEW OF LITERATURE

Kashyap (1978)[42] "Human Rights and Parliament," the study assumes special importance for the developing societies and the Indian experience may have a unique relevance to the rest of world. According to Kashyap human rights become a predominant issue for the historic March, 1977 general elections to the lok sabha. In this book author discussed on the various documents on human rights.

Sivaramayya (1983)[43] 'Status of Women and Social Change," the author looks at ancient shastric Hindu law in matters of rights of women; sati practies, the involvement of the british in enacting laws to protect women's social status.

Sinha (1984)[44] book "Women's rights: Myth and Reality," emphasized on the legal status of women. It is, therefore, consider desirable to study the awareness of women in rural and urban areas about their rights.

Rai (1986)[45] in his study on, "Women's Studies in India," women's position or issues are not merely to be made visible in the curiculla by they have to examined from a definite perspectives. The present volume is a collection of lectures given during the winter institute by eminent women's studies scholar and activists.

---

42 Subash C. Kashyap, "Human Rights and Parliamentò, Metropolitan Book Publishers, New Delhi, 1978.

43 B. Sivaramayya, ñStatus of Women and Social Changeò, in Journal of Indian Law Institute, Vol. 25, 1983.

44 Sachidananda, Ramesh P. Sinha, "Women's rights: Myth and Realityò, Printwell Publishers, Jaipur, 1984.

45 Maithreni Krishna Rai, "Women's Studies in India: Some Perspectiveò, Popular Prakashan, Bombay, 1986.

Kamesalinga (1989)[46] book "Women in Development in South Asia," emphasized on the status of women and legislation for the improvement of the socio-economic conditions of women and policies and programmes for the improvement of the socio-economic condition of women, which has been set up by Government of India in time to time.

Kudchedhar and Al-Issa (1998)[47] "Violence against Women: Women against Violence" has emphasized on their book the twin issues of violence against women and women against violence. The papers included in this volume presented in India ï Canada International Conference on "Violence against Women: Women Against Violence" attended by activists, counselors and researchers from both countries. The machinery of the state, center, the law, the police has an important role to play in the eradication of violence.

Cook (1995)[48] "Human Rights of Women" in this book author emphasized the right of women in national and international perspectives. This book is on feminist study and also faces the challenges pf achieving modification of social and cultural patter of conduct that operate in practice to the comparative disadvantages of women.

Jullie and Wolpher (1995)[49] "Women's Rights, Human Rights International Feminist Perspectives" (ed) is the most valuable book on the subject on women's human right world wide. In includes contribution by activists, journalist, lawyers and scholars from 21St century. According to Jullie and Andrea women may be guaranteed equal rights to freedom of expression. Ilka Tanya reminds that women may be guaranteed equality of employment under law, but in most cultures, female workers are ghettoized into traditional 'female' jobs and most work both out side and inside the home.

Kaul (1995)[50] book "Human Rights: Issue and Perspective" comprising learned articles by various authors delves deep into broder dimensions of, and issues relating to protection of human rights book divided into four parts, part two of this book related with women and human rights in which S.K. Verma, Ranvir Singh and Jill Cattrell's articles on women has been published. They have pinpointed the very difficult task which lie ahead in the arena of human right ad human rights of women.

---

46 V. Kanesalingam, "Women in Development in Asiaò, MacMillan India Publishers, New Delhi, 1989.

47 Shrin Kudchedhar and Subiha Al-Issa, "Violence Against Women: Women Against Violence", Poncraft International Publishers, New Delhi, 1998.

48 Rebecca J. Cook, "Human Rights of Women", University of Pennsylvania Press Phildephia, 1995.

49 Peter, Jullie and Andrea Wolpher, "Women's Rights, Human Rights International Feminist Perspectives", Routhedge Publication, 1995.

50 Jawahar L. Kaul, "Human Rights: Issue and Perspective", Regency Publishers, New Delhi, 1995.

Ahuja (1998)[51] "Violence against Women", book noting the rise in violence against women attempts to answer questions regarding the nature of and cause for violence against womens, if any theoretical analysis could be offered explaining the etiology of violence and the effectiveness of women's groups in tackling issues of sexual exploitation and harassment of women.

Agnes (1999)[52] "Law and Gender Inequality: The Politics of Women's Rights in India" book explores the issue of gender and law reform with reference to the politics and history on India. It also explores the strategies, which could safeguard the women's rights in a country like India, which has a typical social, cultural and political background.

Devasia and Devasia (1999)[53] in their book, "Human Rights and Victimology" have discussed the human rights of women and victimization of women in India. According to them human rights principles uphold the dignity of human beings. Man is an object of respect not because he is rich, powerful or educated, but the very fact he is human being. Human rights philosophy stands against discrimination based on caste, colour, sex, religion or political beliefs. It repudiates all ideologies which preach against dignity of human being.

Vijapur and Suresh (1999)[54] has made elaborate studies on the history of human rights under the title of book, "Perspectives on Human Rights" brought out number of papers on human right movement in modern India and role of judiciary in the protection and promotion of human rights.

Sethi (1999)[55] in "Globalization, Culture and Women's Development" this important volume gives a comprehensive coverage of all those issues arising out of the present process of globalization in India and in manners in which it affects the day-to-day lives of women.

Mishra (2000)[56] worked on this current matter, he wrote under the title of his book "Human Rights in South Asia" about human rights in India and also present a general over view of the human rights situation in South Asia. The author discussed the rights of

---

51 Ram Ahuja,"Viloence Against Women", Rawat Publications, Jaipur and New Delhi, 1998.

52 Flavia Agnes, "Law and Gender Inequality: The Politics of Women's Rights in India", Oxford University Press, 1999.

53 V.V. Devasia and Leelamma Devasia, "Human Rights and Victimology", Datison Publication, Nagpur, 1999.

54 Abdulrahim P. Vijapur and Kumar Suresh, "Perspectives on Human Rights", Manak Publication, New Delhi, 1999,.

55 Raj Mohini Sethi, "Globalization, Culture and Women's Development", Rawat Publication, Jaipur, 1999.

56 Pramod Mishra, "Human Rights in South Asia", Kalpaz Publication, New Delhi, 2000.

women and implementation measures under judiciary, national human rights commission, non-governmental organizations and communication and information media.

Joshi (2000)[57] in this book "Women and Development" has been produce profile of women in India. The book deals with the theoretical controversies as well as empirical finding with view to establish the fact as to how far the changing socio-economic setup in India reacting to the women education, employment opportunities participation in social and political activities, age at marriage and their fertility behaviour participation in household dowry, and widow remarriage system as well as the role of women in decision in making in different spheres.

Seth (2001)[58] started her book "Women and Development: The Indian Experience" as a personal inspection on the roots of women's development since independence. This book started with the position and status of women from ancient time and policy and planning which are formulated by government of India for women's health education and employment.

Goertz (2001)[59] in his book on "Women Development Workers" in principle gender equality is accepted. Efforts are made to promote gender equality in international and national plans. Promoting women's equal entitlement to resources and equal opportunities, to flourish in their productive and private lives encounters considerable social resistance. Gender equality is counter cultural in many societies. "If one of the objectives of promoting social and economic improvement in women's live is greater gender equality, such interventions challenges the social prerogatives of men, even poor men."

Katare and Barik (2002)[60] this comprehensive volume "Development, Deprivation and Human Rights Violation" examines the emerging seriousness in respect of rural development activities and the masses of rural India. It also tries to locate the common agreement among the contributors visualizing the ground realities on rural development and human rights violations through micro-macro analysis.

Rajan (2002)[61] "Democracy and The Limits of Minority Rights," the central aim of this book is to demonstrate the internal link between human rights and democracy

---

57 Savita Thankur Joshi, "Women and Development: The Changing Scenarioò, Mittal Publication, New Delhi, 2000.

58 Meera Seth, "Women and Development: The Indian Experience", Sage Publication, New Delhi, 2001.

59 Anne Marie Goertz, "Women Development Workers", Sage Publications, New Delhi, 2001.

60 P.M. Katare and B.C. Barik, "Development, Deprivation and Human Rights Violation", Rawat Publications, New Delhi, 2002.

61 Nalini Rajan, "Democracy and The Limits of Minority Rights", Sage Publications India Pvt. Ltd, New Delhi, 2002,

(characterized by the principle of equality and individual autonomy). That human rights can flourish only in a state that promotes the democratic value of equal consideration of individual autonomy or each person's capacity to act independently. This issue is discussed with particular reference to the various provisions in the Indian constitution.

Subbian (2003)[62] in "Human Rights Complaints Systems: International and Regional," focuses on fundamental problem in his substantial volume and is therefore really a contribution to the actualisation by the people of human rights.

Samal (2003)[63] in his book "Human Rights and Developments in Emerging world order", aim at analysing various concepts such as Justice good, ethic, community etc. which are. Closely related to human rights and development.

Kohli (2004)[64] in "Human Rights and Social Work: Issues, Challenges and Response" has made a study on dealing with a variety of issues concerning human rights and social work. Discusses the concept of human rights and its linkages with social work values and ethics, talk about the interrelationship between social work practice and human rights.

Goonesekere (2004) (ed)[65]**,** "Violence, Law and Women's Rights in South Asia" this book is a compilation of studies of the legal system's response to violence against women of India and Sri Lanks. The deal with the various dimensions of the problem of violence against women, gender discrimination and the infringements of human rights.

Sastry (2005)[66] in that direction 'India and Human Rights Reflections" the present volume is a collection of papers of scholars and thinkers reflecting their perspectives on the various nuances of human rights.

Goel, Kaur and Sultana (2006)[67] in his book, "Violence Against Women: Issues and Perspectives" focused on different aspects of violence including domestic violence, female foeticide indinfanticide, socio-cultural causes of violence, impact of globalisation and new technological developments, impact on women's health as well as the legal and judicial interventions.

---

62 A. Subbian, "Human Rights Complaints Systems: International and Regionalò, Deep & Deep Publications, New Delhi, 2003.

63 Sunita Samal, "Human Rights and Developments in Emerging World order" Kanishka Publishers, Distributors, New Delhi, 2003.

64 A.S. Kohli, "Human Rights and Social Work: Issues, Challenges and Response", Kanishka Publishers, Distributors, New Delhi, 2004.

65 Savitri Goonesekere (ed), "Violence, Law and women's Rights in South Asia, Sage Publications, 2004.

66 T. Suryanarayana Sastry, 'India and Human Rights Reflections", Concept Publishing Company, New Delhi, 2005.

67 Aruna Goel, Manvinder Kaur and Ameer Sultana, "Violence Against Women: Issues and Perspectives", Deep & Deep Publications Pvt. Ltd., New Delhi, 2006.

Misra (2006)[68] has carried out a study on "Domestic Violence Against Women: Legal Control and Judicial Response". This study is undertaken with a firm belief that domestic violence against women in India is an issue which has been under addressed in the law. It is an attempt to recognize the existence of domestic violence and pay homage to its many victims.

David (2007)[69] the book "Nations, States, and Violence" begins with the claim that there is no consistent relationship between a state's demographic make up and its likelihood of experiencing civil war. The boldest idea in the book is Laitin's claim that nation states, defined as territorial entities that aspire to a high level of linguistic and cultural homogeneity are historically defunct.

Pandya (2007)[70] the book "Women in India: Issues, Perspectives and Solutions," has addressed various aspects of women's welfare in India like health, economic status, education, governance and political participation. It presents a comprehensive and systematic accounts of issues, activities, programmes, projects and experiences from different parts of India.

Reichert (2007)[71] "Challenges in Human Rights, A Social work Perspective" book focus on one primary theme: human rights within a social work context, with emphasis on economic, social, and cultural human rights, as these areas are most relevant to social workers today.

Krishna (2007)[72] "Women's Livelihood Rights, Recasting Citizenship for Development," book interdisciplinary looks at women's natural resource-based livelihood in the wider context of development viewed through the lens of citizenship rights. Un ravelling the patriarchal social fabric and policy structures in India, it argues that the concept of citizenship needs to be extended to include recognition of ways of life and livelihood, so that women take their legitimate space as productive human beings, entitles to dignity as a Political right, and not merely to protection and welfare.

---

68 Preeti Misra, "Domestic Violence Against Women: Legal Control and Judicial Response", Deep & Deep Publications Pvt. Ltd., New Delhi, 2006.

69 D. Laitin, David, "Nations, States, and Violence", New York, Oxford University Press, 2007.

70 Rameshwari Pandya, "Women in India: Issues, Perspectives and Solutions", New Century Publications, New Delhi, 2007.

71 Elisabeth Reichert (ed), "Challenges in Human Rights, A social work Perspective", Rawat Publications, Jaipur, 2007.

72 Sumi Krishna (Edited), "Women's Livelihood Rights, Recasting citizenship for Development", Sage Publications India Pvt Ltd, New Delhi, 2007.

Rai (2007)[73] "Violence and Religion Cross Cultural Opinions and Consequences" discusses all the inter-related issues of religious violence which merit close attention-fear and anxiety within a particular religion, violence and fear between religions, secular violence and fear against religions, the destructiveness of religious violence and the religious violence and environment.

Ganesamurthy (2008)[74] "Empowerment of Women in India Social Economic and Political" this book contains 35 papers related to the socio-economic status, women entrepreneurship, women in politics, role of information and communication technology in empowering women and domestic violence.

Mertu (2008)[75] the book "Bait and Switch: Human Rights and Y.S. Foreign Policy" examine the future of human rights in U.S. Foreign Policy. Many fear that the era of human rights ended the day terrorists turned let planes into weapon of destruction and flow them into the world trade center and the Pentagon.

Srivastava (2008)[76] "Women and Crime" book provides a comprehensive overview of how women both affect and are affected by crime and the criminal justice system. It is unique in its attempt to critically evaluate the ways in which systematic interrelating social structures of class, race, and gender impact on women offenders caught in the criminal justice system, women victims and survivors of male violence, and women who work throughout the criminal justice system.

Aswal (2010)[77] "Women and Human Rights" have shown that efforts to achieve equality for women lead to grater economic growth in developed countries and the lack of empowerment for women as one of the primary causes of the development gap between developed and least developed countries.

Raj (2011)[78] "Corruption and human rights In Indian" this book is an extraordinary contribution to the under standing of the relationship of corruption and human right and its deeper impact on access to justice and rule of law. It is intellectually enriching and

---

73 Beena Rai, "Violence and Religion Cross Cultural Opinions and Consequences, R.E.S. Tanner, Concept Publishing Company, New Delhi, 2007.

74 V.S. Ganesamurthy, "Empowerment of Women in India Social Economic and Political" New Century Publications, New Delhi, 2008.

75 Julie Mertu, "Bait and Switch: Human Rights and Y.S. Foreign Policy", www. Human Rights in India Book, 2008.

76 Sushma Srivastava, "Women and Crime", Commonwealth Publishers, New Delhi, 2008.

77 B.S. Aswal, "Women and Human Rights" G.S. Rawat for Cyber Tech Publication, New Delhi, 2010.

78 C. Raj Kumar, "Corruption and Human Rights in India", Published by Oxford University Press, New Delhi, 2011.

empowering to the citizenry for pursuing various struggles against corruption and lack of good governance.

Pike (2011)[79] "Crime against Women", this book explores the cultural aspects of injustice against women and the general exploitation by a male oriented society.

Reilly (2011)[80] "Women's Human Rights: Seeking Gender Justice in a Globalizing Age", this book traces the evolution of the women human rights movement through on examination of its key issues, debates, and practical interventions in international law and policy arenas.

Legal Handbook for Women (2011)[81] this handbook includes two sets of laws civil and criminal. The first part of the handbook contains the criminal laws that include various Indian Penal Code provisions prohibiting crimes against women, some gender natural provisions that are often used in cases of crimes against women and specific statutory laws prohibiting violence against women. The second part of the handbook contains laws relating to marriage divorce, maintenance, inheritance and adoption that concerns Hindu, Muslim and Christian Women in India. Women are most often perceived as victims or survivors of violence and their domain remain the private space of the home.

Lind and Pasko (2012)[82] "Girls, Women, and Crime: Selected Reading", book is a compilation of journal articles on the female offender written by leading researchers in the field of criminology and women's studies. The contributors reveal the complex world's females in the criminal justice system must often negotiate world that are frequently riddled with violence, victimization, discrimination, and economic marginalization. This in depth collection leaves readers with a greater under standing of the complexities and nuances of the relationship between girls and women and crime.

Mallicoat (2012)[83] "Women and Crime: A Text/Reader", this book takes a unique approach by combining an authored presentation of concepts and a review of the literature on each of the issues facing women in the criminal justice system.

---

79 David Wingeate Pike, "Crime against women", Nova Science Publications, 2011, https://www.novapublisheres.com

80 Niamh Reilly, "Women's Human Rights: Seeking Gender Justice in a Globalizing Age", Polity Press, 2011, new booksingenderstudies.com

81 A Legal Handbook For Women", Published by the Director School of Women's Studies Jadapur University Kolkata, Printed by Trade Con.llc, Vidya Sagar Street Kolkata, Augest, 2011.

82 Meda Chesney Lind and Lisa Pasko, "Girls, Women, and Crime: Selected Reading", Sage Publications, inc, 2012, www.sagepub.com/books/Book236016/toc#tabview=title

83 Stacy L. Mallicoat, "Women and Crime: A Text/Reader", Publisher, Thousand Oaks, Calif. Sage ©, 2012, www.worldcat.org/title/women and-crime-a-textreader/oclc/757147838

Lind and Pasko (2012)[84] "The female offender: Girls, Women and Crime", in this book author explore gender and cultural factors in women's lives that often precede criminal behavior and address the question of whether female offenders are more violent today than in the past. The authors provide a revealing look at how public discomfort with the idea of women as criminals significantly impacts the treatment received by this offender population. The text covers additional topics such the interaction of sexism, racism, and social class inequalities that results in an increase of female offenders, as well as the imprisonment binge that has resulted in an increasing number of girls and women being incarcerated.

Articles /Paper and Journal

Chatterji (1990)[85] "Women in search of Human Equality" paper attempts to situate women in the present context of national development, to assess their condition since the changes in their status and study the link between economic progress and the class to which the woman belongs, for studies have indicated that there is a close connection between the two. In order to analyse it, the paper first identifies the problems in the path of women's equality. After an overview of awareness of their situation among various classes of women, the paper ends with a view of the future and the possible solutions.

Sarkar (1994)[86] the article "Rape: A Human Rights Versus a Patriarchal Interpretation" makes an attempt to redefine rape not only as a sexual offence but also as an act of violence, which goes against the fundamental human rights laid down in the universal declaration of human rights. The treatment meted out to the rape victim and the onus on her to prove her lack of consent is all the reflection of patriarchal criminal justice system. The change in Indian rape law following the recommendations of law commission of India to change the substantive law, as well as well as law of evidence and procedural law, has been highlighted. A large number of custodial rape cases and subsequent acquittals of the guilty also cause concern. Insensitivity and apathy of the government results in delay and injustice and in most cases very little punishment, the issue of marital rape and legal sanction of cohabitation with a minor wife are discussed.

Pandey (1996)[87] "Curriculum and Gender Question: The Indian Experience" article explores the development of the curriculum in formal educational organisations from the

---

84 Meda Chesney-Lind and Lisa Pasko, "The Female offender: Girls, Women and Crime", Sage Publications, inc,2012, www.sagepub.com/books/book/236006

85 Angana Chatterji, "Women in search of Human Equality", Social Action, Vol. 40, 1990, pp. 46-56.

86 Latita Sarkar, "Rape: A Human Rights Versus a Patriarchal Interpretation", Indian Journal of Gender Studies VI (I) 1994, p. 69.

87 Saroj Pandey, "Curriculum and Gender Question: The Indian Experience", Social Action, Vol. 46, Jan.-Mar. 1996, pp. 340-347.

point of view of gender equality, tracing back the historical antecedents. It comments on the pre-independence and post independence status of women's education. It discusses recommendations made by various committees formed for women's education after independence. The article emphaises that there is a need for sincere and sustained efforts to improve status of women in India.

Mishra (1997)[88] "Women and 73rd Constitutional Amendment Act: A Critical Appraisal" paper begins by briefing about the marginal position occupied by the Indian women in the society and also in the political process due to socio-economic constraints. Finally, it examine the probable role of women in the context of the 73rd amendment act. It examines whether women will be able to exercise political power through this system, what hurdles are there on their way, and finally how they can overcome these?

Masoodi and Dhar (1998)[89] in their paper on "Women's Rights in Christianity: Some Reflections on Divorce Laws," primarilly examines Christian matrimonial law albeit Christian wife's right to claim divorce under section 10 of the Indian divorce act, 1869 and her place within Christianity. As per this 3.10, a Christian wife has to prove adultery with some other ground like cruelty for divorce. The Indian law regulating Christian marriage is squarely rooted in common law. The authors then analyse the nature of marriage at common law and evaluate if the marriage law regulating Indian Christian is deficient thus lagging behind the common law, in any of its aspects. Lastly, the paper attempts to ascertain the attitude of Indian courts vis-a-vis the rights of women albeit wife to be deduced from the decided cases involving matrimonial issues and in particular which over Indian divorce act, 1869.

Joshi, Sneha and Pushpanadhan (2001)[90] paper "Empowering Women for Educational Management," outlines the social and psychological dilemmas faced by women in today's changing society. It enumerates some of the international and domestic efforts made to empower women and examines the question of women's access to leadership positions in education.

Pazhani (2002)[91] in his paper "Fishing Labour and Human Rights Violation," classifies human rights in the categories of natural right and civil rights. The authors analyses the situation of fishing community which eked out a living on deep sea fishing.

---

88 Sweta Mishra, "Women and 73rd Constitutional Amendment Act: A Critical Appraisal", Social Action, Vol. 44, 1997, pp. 16-30.

89 Saqlain G. Masoodi and Lalita Dhar, "Women's Rights in Christianity: Some Reflections on Divorce Laws," Cochin University Law Review, 1998, Vol. 22, pp. 16-44.

90 Joshi, Sneha and K. Pushpanadhan, "Empowering Women for Educational Management," University News, Vol. 39, 2001, pp. 1-4.

91 K. Pazhani, "Fishing Labour and Human Rights Violation," Rawat Publications, New Delhi, 2002, p. 21.

Kapoor (2007)[92] in his article "Women's access to justice: Domestic Violence against women as a salient concern of women's equality and human rights and their access to justice. It attempts to critically evaluate the evolution of domestic violence as an international concern, where it was initially recognized as a criminal offence and later as a human rights issue.

Ajay Gudavarthy (2008)[93] in his article "Human Rights Movements in India: State, Civil Society and Beyond" is an attempt to trace the various phases of the human rights movement (HRM) and the assumptions underlying each of them in terms of the inter-relationships between the state, civil society and democracy.

Srivastava (2008)[94] "Women and Crime", this book provides a comprehensive overview of how women both affect and are affected by crime and criminal justice system. It is unique in its attempt to critically evaluate the ways in which systematic interrelating social structures of class, race, and gender impact on women offenders caught in the criminal justice system, women victims and survivor of male violence, and women who work throughout the criminal justice system.

Rufus and Beulah (2010)[95] in his article "Sexual Harassment of Women at Workplace", has the major objective to explore the facts of sexual harassment among the working women. Due to non-reporting character of the crime, the sexual harassment does not come to the social light. So these are considered as the "Dark figures of the crime" and "Noiseless Crime". These figures point out the seriousness of the danger to women workers at workplace.

SELECTION OF PROBLEM

Women are an integral part of society and society cannot be run without women. From ancient period women have played a pivotal role in society. The importance of women in family can never be ignored. Women are the agents of change. The welfare and development of community depends upon women. But there are many ways by which women suffer and made to suffer. In our society the abortion of female foetus, the neglect and undernourishment of girls, rape, wife beating, and the harassment of brides leading her to commit suicide or murder is common these days.

---

92 Vineet Kapoor, "Women's access to Justice: Domestic Voilence, Governance and Human Rights", The Indian Police Journal Vol. LIV No. 2, April-June,2007, pp. 8-24.

93 Ajay Gudavarthy, "Human Rights Movements in India: State, Civil Society and Beyond", in Contributions to Indian Sociology, Vol. 42, No. 1, 2008, p. 29.

94 Sushma Srivastava, "Women and Crime", Commonwealth Publications, 2008.

95 Rufus. D. & Dr. Beulah, "Sexual Harassment of Women at Workplace", The Indain Police Journal, Vol. LVII-No. 4, October-December, 2010, pp. 18-24.

Human rights stresses the importance of working towards the elimination of violence against women in public and private life, the elimination of all forms of sexual harassment, exploitation and trafficking in women, the elimination of gender bias in the administration of justice and the eradication of any conflicts which may arise between the rights of women and the harmful prejudice and religious extremism.

This study was undertaken with a firm belief that violence against women in state is an issue which need to be addressed. This study was an attempt to recognize the existence of violence and pay homage to its many victims. Researcher hope that present study will contribute in the effort to engage in a dialogue on the question of violence against women.

This study will be helpful to understand the women rights of Himachal Pradesh. It will also be useful to researchers, academicians, planners and government policy makers who are interested in protecting women rights. Moreover there was emphasis on gender budgeting in the 11^{th} plan keeping in view this aspect also this study assumes importance and can also be useful in throwing on insight into the real status of human rights in relation to gender perspective. Moreover because of special interest of the researcher in gender related issues also motivated the researcher to select this topic.

IMPORTANCE OF THE STUDY

Violence against women is almost universal phenomenon the incorporation of women perspective into human right standards and practices forces recognition of the dismal failure of countries to accord women the right place with human dignity and respect.

Violence is prevalent in all areas of women lives such violence takes many forms such as physical sexual and psychological domestic violence. Himachal Pradesh has also witnessed rising levels of violence against women .Gender violence is complex issue, which is multidimensional in scope and character.

OBJECTIVES OF STUDY

The study is focused on the prospects of human right of women in Himachal Pradesh. The main objectives of the study are:

1. To study various constitutional provisions, organizational structures and legislative measures taken for the protection of women in Himachal Pradesh.

2. To analyse the condition of human rights with special reference to women of Himachal Pradesh.
3. To study structure and functioning of State Women Commission.
4. To examine the work done by State Women Commission for protection of women Rights.
5. To know perception of beneficiaries regarding working of Sate Women Commission
6. To give concrete suggestions for protection of human rights of women.

SCOPE OF STUDY

The study covered constitutional provisions, organization structures and polices concerned with protection of human rights of women .The study also tried to explore the magnitude onset and forms of crime against experienced by victim women and analyzed the reasons behind abuse. The study tried to approach human rights perspective to find solutions and remedy for the growing problem of crime against women.

MAJOR HYPOTHESIS

Although rights are granted to women there is violation of these rights and the condition of human rights of women in Himachal Pradesh is not satisfactory.

MINOR HYPOTHESIS

I. Incidents of violence against women are very common and are posing a threat to Human Rights of women.
II. State Women Commission is adequately performing its responsibilities in protection of Human Rights of women in Himachal Pradesh.

RESEARCH METHODOLOGY

SELECTION OF DISTRICT

Out of total 12 District of Himachal Pradesh, District Kangra, Mandi and Shimla is selected as sample district for the present study on the basis of consideration that Kanga, Mandi and Shimla district has highest number of female population (As given in Annexure I), highest crime against women in these three Districts of Himachal Pradesh (As given in Annexure II) and highest Number of complaints lodged by women in State Women Commission from these three Districts. (As given in Annexure III)

METHODS OF DATA COLLECTION

The methodology adopted in present study keeping in view the research problem and research questions will be essentially empirical and warrants use of primary and secondary data.

The Primary Sources: The Primary data will be collected through two set of schedules. One schedule will be administered to all members and officials of State Women Commission in order to know about the working of State Women Commission. (As given in Annexure IV) To analyse the role played by state women commission. another schedule will be administered to 300 women complainants who have lodged complaint before State Women Commission. 100 women will be selected from each district of Shimla, Mandi and Kangra.

The Secondary Sources: In addition to the above the secondary sources will includ the books published by different authors research papers, article, editorials, journal commentaries published in various magazines, journals newspapers and websites.

CHAPTERISATION

Chapter I	Introduction.
Chapter II	Institutional Frame work for Protection of Human Rights of Women
Chapter III	Himachal Pradesh State Women Commission organization and role
Chapter IV	Status of Human Right and Women Rights in Himachal Pradesh
Chapter V	Problems and Prospects to Protect Human Rights and other Women Rights
Chapter VI	Conclusions and Suggestions.